

Message Text

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ACTION AF-08

INFO OCT-01 ISO-00 L-03 CAB-02 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY ACCRA

TO SCSTATE WASHDC PRIORITY 5076

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EO 11652 NA

TAGS: EAIR, GH, US

SUB: US-GHANA BILATERAL AGREEMENT

REF: (A) STATE 248355, (B) ACCRA 7313, (C) ACCRA 6798

(D) STATE 224238, (E) ACCRA 6601

1. EMBASSY HAS RECEIVED NOTE FROM MFA GIVING CLARIFICATION REQUESTED REFTEL D, AS REPORTED REFTEL C. SUBSTANTIVE PORTIONS:

2. QUOTE; THE MINISTRY WISHES TO CLARIFY THE POSITION OF THE GOVERNMENT OF GHANA ON THE QUESTION OF TRAFFIC RIGHTS BEYOND GHANA. THE GOVERNMENT OF GHANA HAS DECIDED THAT PAN AM SHOULD BE GIVEN TRAFFIC RIGHTS BEYOND GHANA TO KENYA AND UGANDA AS PAN AM HAS ALREADY BEEN GRANTED TRAFFIC RIGHTS TO TANZANIA. UNQUOTE.

3. QUOTE THE POSITION OF THE GOVERNMENT OF GHANA ON THE EXEMPTION OF PAN AM FROM PAYMENT OF INCOME TAX, HOWEVER, REMAINS AS STATED IN THE MINISTRY'S NOTE UNQUOTE. (THIS NOTE REPORTED IN REF E).

4. EMBASSY WILL NOT RESPOND TO LATEST NOTE UNTIL INSTRUCTED BY DEPARTMENT.

5. DEPARTMENT SHOULD NOTE THAT UTA, SWISSAIR, LUFTHANSA, LIMITED OFFICIAL USE

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AND KLM ALL SERVE ACCRA WITHOUT GHANA AIRWAYS SERVING

THEIR HOME COUNTRIES, ALL UNDER BILATERAL AGREEMENTS.
NONE OF THESE AIRLINES IS SUBJECT TO GHANAIAN INCOME
TAX, ON BASIS OF "RECIPROCITY" AS SPELLED OUT IN AGREEMENTS.

6. WE SUGGEST WE BE INSTRUCTED TO INFORM GOG THAT WE
APPRECIATE GOG CONCESSION OF BEYOND RIGHTS TO THREE
EAST AFRICAN COUNTRIES, AND IN EFFORT TO BE ACCOMMODAT-
ING WILL ACCEPT ONLY DAKAR AND ROBERTSFIELD AS INTERME-
DIATE POINTS (DESPITE BROADER AGREEMENT AT NOVEMBER
1975 WASHINGTON TALKS). WE SUGGEST FURTHER THAT USG
COULD IN NO EVENT ACCEPT TAX LIABILITY FOR PAN AM WHEN
OTHER AIRLINES EXEMPT FROM SUCH TAXATION, WHEN BOTH US
AND GHANAIAN LAW CALLS FOR EXEMPTION ON BASIS OF RECI-
PROCITY, AND RECIPROCITY NEITHER EXISTS NOR CAN APPEAR
TO EXIST WHEN ITS INVOCATION DEPENDS UPON GHANA AIRWAYS
FILING FOR AND OBTAINING ACTUAL SERVICE TO NEW YORK.
FINALLY, SUGGEST EMBASSY BE AUTHORIZED TO STATE THAT IF
PACKAGE PROPOSED IN THIS PARAGRAPH IS ACCEPTED WE ARE
READY TO SIGN FINAL AGREEMENT.

7. FYI, DIRECTOR CIVIL AVIATION (DWEMOH) AND OTHER
AVIATION OFFICIALS EXPECTED TO BE CHARGE'S DINNER
GUESTS NOV 4. IN HONOR FAA ASST. DIRECTOR BENNETT. THIS
WILL BE OPPORTUNITY TO DISCUSS THESE ISSUES. HOWEVER,
OUR IMPRESSION IS INCOME TAX MATTER HAS BEEN HANDLED
IN ATTORNEY GENERAL'S DEPARTMENT (PROBABLY ASANTE)
BEYOND CONTROL BOTH OF CIVIL AVIATION AND MFA.
GRANER

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